

## **REMARKS**

In response to the above Office Action, claims 1 and 19 have been amended to require removal of the solvent in both stages of the claimed process. More specifically, the solvent is removed after application of the first solution to the support precursor and again after application of the second solution to the supported procatalyst. Support for this can be found, for example, in Examples 2, 4, and 5. See pages 36 and 37 of the specification. Claim 3 has been cancelled, claim 10 to correct a typographical error and claims 15 to 17 to place them in more conventional U.S. format.

In Example 1, the solvent is only removed after application of the first solution, but not after application of the second solution. In Example 3, no solvent is removed after application of the first solution, but only after both solutions are applied.

As shown in these examples, in Examples 2, 4, and 5, the resulting catalyst had activities of 99, 63, and 130 g/g HrBar, respectively, whereas in Examples 1 and 3 the activities were 40 and 53 g/g HrBar, respectively. Thus the removal of the solvent both after the application of the first and the second solutions while still maintaining the requirement that the second solution is provided in an amount such that 100% of the pore volume of the support precursor is not exceeded, has a positive effect on the activity of the resulting olefin polymerization catalyst.

In the Office Action, the Examiner continued to reject claims 1-13 and 15-19 under 35 U.S.C. § 103(a) for being obvious over WO 98/45337 to Peil et al. (hereafter Peil), claim 14 further in view of Swindoll, and claim 20 further in view of Canich.

Peil may add the first and second solutions sequentially as in the present invention and may use similar amounts of diluent/gram of support when applying the solutions as shown, for example, in Example 18 of Peil. However, there is no teaching

in this Example that any solvent is removed after application of the first solution.

Apparently, as noted on page 60 lines 23-24 of Peil, the solvent is only removed in the end.

Thus Peil's Example 18 is similar to Example 3 of the present invention where any solvent is removed only after application of the second solution. However, applicants have shown that the activity of the catalyst is less when it is made this way instead of removing the solvent after application of the first solution and before applying the second solution and again after applying the second solution. Compare Example 3 with Examples 2, 4, and 5 of the invention.

In view of these improved and unexpected results, it is submitted that claims 1-13 and 15-19 cannot be considered obvious over Peil. Its withdrawal as a ground of rejection of these claims is therefore requested.

The references to Swindoll and Canich may disclose what is set forth in claims 14 and 20, but they fail to disclose what is missing in Peil as discussed above. Since these claims depend from claims 1 and 19, it is submitted they are not obvious for the same reasons claims 1 and 19 are not obvious.

It is believed claims 1, 2, and 4-20 are in condition for allowance.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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